

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JODY KRUG,

Plaintiff,

v.

AUTO-OWNERS INSURANCE
COMPANY,

Defendant.

8:23CV511

**ORDER TO
SHOW CAUSE**

Plaintiff Jody Krug (“Krug”) brought this action against defendant Auto-Owners Insurance Company (“Auto-Owners”) on October 10, 2023, alleging it wrongfully denied coverage for wind and hail damage to his property. Krug originally sued Auto-Owners in the District Court of Douglas County, Nebraska. On November 16, 2023, Auto-Owners removed the action to this Court on the basis of diversity. *See* 28 U.S.C. §§ 1332, 1441.

Soon after, Auto-Owners moved to dismiss¹ (Filing No. 5) Krug’s complaint under Federal Rule of Civil Procedure 12(b)(6), asserting Owners Insurance Company (“Owners”) was the actual issuer of the underlying insurance policy. Krug did not respond.

On January 11, 2024, the Court entered an order (Filing No. 9) giving Krug until January 19, 2024, to show cause why his complaint should not be dismissed.

The Court finally heard from Krug on January 19, 2024, when the parties filed a Joint Stipulation to Grant Motion to Dismiss and Motion to Bifurcate and Stay Discovery and to Allow Plaintiff to Amend Complaint (Filing No. 10). There, the parties appeared

¹Auto-Owners’s motion also asked the Court to “to “bifurcate [Krug’s] bad faith claim from the breach of contract claim” and “stay all discovery as to the bad faith claim until the resolution of the contract claim.”

to agree—among other things—that Owners should be named as the defendant, instead of Auto-Owners, and that Krug should be given leave to file an amended complaint to make that correction. A proposed amended complaint was attached to their stipulation reflecting this change.

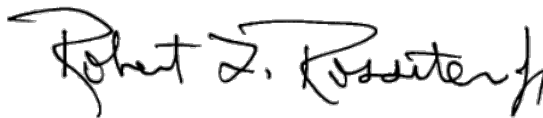
On January 23, 2024, the Court granted Krug leave to file the proposed amended complaint (Filing No. 11). *See* Fed. R. Civ. P. 15(a)(2). Krug was given until January 30, 2024, to file his amended complaint.

That date has come and passed and, inexplicably, no amended complaint has yet been filed. Given that Krug and his counsel have once again failed to comply with the Court's deadlines in the progression of his case, he shall have until February 5, 2024, to show cause why his complaint should not be dismissed. *See* Fed. R. Civ. P. 41(b); NECivR 41.2. Should Krug again fail to timely comply with the Court's order, this matter may be dismissed without further notice.

IT IS SO ORDERED.

Dated this 1st day of February 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge